

Subject: Interim procedures for tree clearing in the range of the Indiana Bat – Amendment to Biology Technical Note #22. This process will be used from March 25, 2008, until such time as it is superseded by the final Programmatic Agreement with U.S. Fish and Wildlife Service.

The Indiana Bat (*Myotis soldalis*) is a Federal and State of Iowa listed Endangered Species. The species migrates into Iowa during the summer months to bear and raise their young. Maternity colonies, normally of about 50-100 animals, are composed of females and their pups. Males also migrate to Iowa, but groups of males do not roost with the maternity colonies. The colonies use forested riparian and upland woodlands for their roosts.

NRCS must follow the National Environmental Policy Act (NEPA) and the Threatened and Endangered Species Act when providing financial or technical assistance to customers. Whenever NRCS, a lead federal agency, is providing technical assistance or financial assistance through any USDA program, habitat for this species must be protected. Therefore, any tree clearing activities within the Indiana Bat's range in Iowa must be done in a manner that does not cause direct harm to the animal or significant loss of its habitat.

Since the population of this endangered species is still declining, the procedures to protect the species have been tightened by the U.S. Fish and Wildlife Service. Previous guidance allowing tree clearing in winter months is no longer valid and the following information is provided for dealing with tree clearing in NRCS assisted projects.

Procedures for dealing with tree clearing and providing Indiana Bat protection.

1. If construction site involves clearing trees, determine if a minimum of 15 percent of the area within the 0.5-mile radius of the project is forested (forested means trees and does not include acres only covered by just shrubs such as multiflora rose, prickly ash, etc.).
2. Determine if there is a source of permanent water (a stream, farm pond, wetland, etc.) during the April 1 to September 30 period within the 0.5-mile radius of the project site.
3. If analysis of the geographic area around the construction site shows that **both** number 1 and 2 conditions are **not** present, the area does not provide suitable habitat for the Indiana Bat and tree clearing could be done at any time. (However, consider avoiding any tree clearing in the summer months because of habitat destruction and mortality to other wildlife species.) Use the Conservation Assistance Notes (IA-CPA-15) to record the findings and provide documentation for the record. Also complete the appropriate section of the Environmental Evaluation Worksheet (IA-CPA-52) to document this NEPA activity.
4. If the site **meets** the minimum habitat conditions in **both** numbers 1 and 2 above, then there is a potential for Indiana Bats to be using the area.
5. A field visit which should be done by a qualified individual (area biologist or technicians, or others who have been trained), is required to determine if suitable trees are present to provide Indiana Bat habitat. Suitable habitat trees are shagbark and shellbark hickory, live or dead, and bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak that are dead with slabs or plates of loose or peeling bark on the trunks or limbs. All

suitable trees must be at least 9 inch DBH (diameter at breast height). Note the results of this field visit in the Conservation Assistance Notes (IA-CPA-15) in the case file to ensure there is proper documentation in case of a complaint.

The total area being cleared shall be examined and documented in the case file. The total area affected by the project includes all areas cleared not just the area where NRCS financial assistance is provided. Since NRCS is providing technical assistance, the total area affected is subject to Consultation with FWS under Section 7 of the T&E Species Act and must be documented for the consultation.

6. If no potential habitat trees (see 5. above) exist in the project area, the trees may be cut at any time.

7. If suitable habitat trees (see 5. above) are found then there are restrictions on clearing of trees.

8. For those counties in the grey crosshatched area (potential habitat counties) on the attached map, clearing of any trees from October 1 to March 31 is allowed. No trees shall be cut or removed during the period from April 1 to September 30.

9. For those counties in gray on the attached map (known habitat counties), no clearing of habitat trees will be allowed until after a Section 7 Consultation with U.S. Fish and Wildlife Service has been conducted. Field Office should contact the Area Office if this situation arises. The Area Office will coordinate any Section 7 Consultation through the State Office.

If a customer refuses to follow NRCS procedures for tree clearing activities, NRCS stops all financial and technical assistance. Full documentation of this situation and the decision shall be placed in the Conservation Assistance Notes (IA-CPA-15) in the producer's case file.

NRCS, IDNR and USFWS are developing a programmatic agreement to streamline Section 7 Consultation process.

Note:

Potential Habitat Counties are Harrison, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Freemont, Page, Taylor, Guthrie, Dallas, Polk, Johnson, Cedar, and Scott.

Known Habitat Counties are Madison, Warren, Union, Clarke, Lucas, Ringgold, Decatur, Wayne, Jasper, Poweshiek, Iowa, Marion, Mahaska, Keokuk, Washington, Muscatine, Louisa, Monroe, Wapello, Jefferson, Henry, Des Moines, Appanoose, Davis, Van Buren, and Lee.